

REMARKSOffice Action mailed November 9, 2005

The Examiner indicated that claims 13-20 and 22-29 are allowed. Applicants gratefully acknowledge the Examiner's indication of allowed subject matter.

The Examiner rejected claims 3-5 under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements, such omission amounting to a gap between the elements.

The Examiner rejected claims 9, 11, 21 and 30 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 1-12 and 31-34 under U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicants present arguments *infra* in traverse of the § 112 and § 101 rejections.

Notice of Non-Compliant Amendment mailed April 6, 2006

The Notice of Non-Compliant Amendment mailed April 6, 2006 states: "the quality of the fax makes it unclear what amendments have been made... it appears that the step numbers are being removed from the steps of the method claims, but the strikeouts are difficult to determine, double-bracketing would be more discernable... further, in claim 31, it is unclear how much of step 6 is being deleted, after the deletion it appears to read "repeating the cycle of step." which does not make sense."

In response, Applicants have modified the claim amendments to correct the errors

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13

**35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 3-5 under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements, such omission amounting to a gap between the elements.

The Examiner argues: "Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: claim 3 omits step 4, claim 4 omits steps 4-7, claim 5 omits steps 4-10."

In response, Applicant notes that the Examiner did not state a reason as to why the Examiner has alleged that claims 3-5 omit essential elements. As best as Applicant can determine, Applicant assumes that the Examiner has attributed special significance to the step numbers (1), (2), (3), ..., etc. However, these step number are merely step labels and have no other significance. Therefore to avoid confusion, Applicant has deleted the step numbers in the amendment herein.

If the Examiner has reason(s) unrelated to step numbers for alleging that claims 3-5 omit essential elements, Applicant would appreciate it if the Examiner would state such reason(s).

Based on the preceding argument in light of the Examiner's lack of explanation for the rejection of claims 3-5 under 35 U.S.C. § 112, second paragraph, Applicant contends that claims 3-5 are not unpatentable under 35 U.S.C. § 112, second paragraph.

Accordingly, Applicant respectfully requests that the rejection of claims 3-5 under 35 U.S.C. § 112, second paragraph be withdrawn.

The Examiner rejected claims 9, 11, 21 and 30 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner argues: "Regarding claims 9, 11, 21, 30, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d)."

In response, Applicant has deleted "and the like" in claims 9, 11, 21, and 30.

Based on the preceding argument, Applicant contends that claims 9, 11, 21, and 30 are not unpatentable under 35 U.S.C. § 112, second paragraph.

Accordingly, Applicant respectfully requests that the rejection of claims 9, 11, 21, and 30 under 35 U.S.C. § 112, second paragraph be withdrawn.

U.S.C. § 101

The Examiner rejected claims 1-12 and 31-34 under U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner argues: "The claimed invention is not within the technological arts."

In response, Applicant respectfully notes that the *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility* (signed 26 October 2005) states: "The following tests are not to be applied by examiners in determining whether the claimed invention is patent eligible subject matter: (A) "not in the technological arts" test ..."

Based on the preceding argument, Applicant contends that claims 1-12 and 31-34 are not unpatentable under 35 U.S.C. § 101.

Accordingly, Applicant respectfully requests that the rejection of claims 1-12 and 31-34 under 35 U.S.C. § 101 be withdrawn.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

Date: 04/11/2006

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